

F-1 Reinstatement Application and Checklist

Reinstatement procedure for students wishing to regain F-1 status

What is reinstatement?

A student who has failed to maintain status may apply to USCIS to be reinstated to lawful F-1 status. Reinstatement is only granted under the limited conditions specified at 8 C.F.R. § 214.2(f)(16) and at the discretion of USCIS.

What are the consequences of being out of status?

Falling out of F-1 status is a very serious violation of responsibility as an international student, and it can have long-term consequences on a student's immigration benefits in the United States. A student who is out of status is no longer eligible for benefits such as practical training, on-campus employment, and travel signatures to re-enter the U.S. If a student fails to rectify your status, you risk being deported and/or being unable to secure visas to enter the U.S. in the future.

What are the conditions for approval of reinstatement?

USCIS may consider reinstating a student to F-1 status if the student can prove the following:

- The student has not been out of status for more than 5 months prior to filing for reinstatement (unless s/he can show that there were exceptional circumstances that prevented the student from filing during the 5 month period).
- The student does not have a record of repeated violations.
- The student is pursuing, or will in the next available term be pursuing, a full course of study.
- The student has not engaged in unauthorized employment.
- The student is not deportable on any grounds other than the status violation for which reinstatement is being requested.
- The status violation resulted from either:
 - Circumstances beyond the student's control; or
 - Failure to apply in a timely fashion for a reduced course load authorization from the DSO, but only if the violation relates to something that would have been within the DSO's authority to have approved, if it had been timely done, and that the student would experience extreme hardship if the application were not approved.

What is the "five month rule"?

USCIS may consider reinstating a student to F-1 status if the student can prove the following, among other things, that s/he has not been out of status for more than 5 months prior to filing for reinstatement (unless s/he can show that there were exceptional circumstances that prevented the student from filing during the 5 month period). If a student is out of status for more than 5 months from the date of the status violation, there is a presumption that the student is ineligible for reinstatement, unless s/he can prove that there were exceptional circumstances that prevented filing within the 5 month period, and that s/he filed the request for reinstatement as soon as possible given those exceptional circumstances.

Elgin Community College reserves the right to refuse to support any reinstatement application. Applications are considered on a case-by-case basis. Students filing for reinstatement more than five months from the date of the status violation will be considered by Elgin Community College, but any support for a reinstatement application in these instances must be accompanied by the reinstatement application being facilitated by a U.S. licensed attorney. Elgin Community College will require proof that an attorney will support the student's application prior to issuing an I-20 requesting reinstatement. All fees related to the expense of an attorney are the responsibility of the student. Students

who have been out of status for more than 5 months will also have to pay a new SEVIS I-901 fee [8 CFR 214.13(d)(7)], and include proof of payment with their recertification application.

There are two ways to regaining F-1 status:

1. **Reinstatement:** Apply for reinstatement by submitting an application to USCIS within the U.S. A student will need to provide documentation that he/she fell out of status due to circumstances beyond his/her control, and an immigration officer will decide whether or not to reinstate you based on the information provided in the application. A student must continue to take and pay for classes while the reinstatement request is pending; however, a student is not allowed to be employed. If an application is denied, the student must exit the country immediately. See the checklist at the bottom of this application for how to apply for reinstatement within the U.S.
2. **Travel and Re-entry:** A student must exit the United States and return on a new I-20 issued to him/her by a DSO. In order to obtain a new I-20, a student will need to provide the same kind of financial documentation he/she showed when you he/she was first admitted to ECC. If a student currently has a valid F-1 visa, he/she can travel to a different country and show his/her new I-20 when you re-enter the U.S. If a student does not have a valid F-1 visa, he/she will need to make a visa appointment in his/her home country, obtain the visa, and then return to the U.S. using his/her new I-20. If a student decides to pursue option number two, please note that he/she will have to wait two academic semesters before he/she is eligible for practical training (CPT and OPT).

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Federal regulations allow an F-1 student to apply for reinstatement if you fall out of status.

I choose to try to regain F-1 status by:

- Travel and Re-entry: Traveling outside the U.S. and returning using a new I-20. If you choose this option, you do not need to file for reinstatement with USCIS.
- Reinstatement: Submitting an application to USCIS within the U.S. If you choose this option, please complete the form below and collect all documents for your reinstatement request and make an appointment with the Center for International Education and Programs to review your application.

Name: _____ Student ID: _____
Last First Middle

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Email: _____

Program of Study: _____ Start Date at ECC: _____

Date/reason you fell out of status: _____

Reinstatement Application Procedure:

To apply for reinstatement, you must request an appointment with the DSO. You must supply the DSO with all necessary documents to issue a new I-20, including meeting all current admission requirements and submitting updated financial support documents. Upon confirmation that you are eligible for reinstatement, a new I-20 will be issued to you within seven business days.

In order to apply for reinstatement, you must prepare the following documents:

- A completed USCIS I-539 application form available from www.uscis.gov/i-539. Complete and attach the supplement if you have any dependents. Carefully follow the instructions in completing the I-539. Complete the entire form and sign it.



- As USCIS will mail their response back to the address listed on the I-539 Form, please ensure your address listed on the application will be valid for at least the next three months.
 - The word "REINSTATEMENT" should be written at the top of the form to further distinguish it from other uses of Form I-539.
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- Copy of Form I-20 document issued by Elgin Community College (sign Student Attestation). The I-20 Issue Reason should be listed as "Reinstatement Requested."
 - A cashier's check or money order payable to "U.S. Department of Homeland Security" for the proper I-539 fee. Personal checks are not accepted. For payment instructions, refer to the I-539 application instructions at www.uscis.gov/i-539. Do not make your check or money order payable to Elgin Community College.
 - A letter requesting reinstatement and explaining why you violated the terms of your F-1 non-immigrant status. The letter should establish that the violation resulted from circumstances beyond your control and the nature of the extreme hardship you would face if reinstatement were not granted. Attach any additional supporting documents.
 - Letter from the DSO recommending reinstatement and verifying your acceptance to Elgin Community College.
 - Copies of the financial documents you submitted to Elgin Community College as evidence of financial support that show adequate funds to cover your tuition, fees, and living expenses.
 - Official transcripts from Elgin Community College (request from Records Office) or previous school attended (if reinstatement is being filed during your first semester at Elgin Community College).
 - Proof of enrollment in a full-course of study at ECC for the next available term.
 - Copy of identity pages of your valid passport containing your name, photograph, passport number, expiration date, and birth information. Your passport should be valid for at least six months into the future.
 - Copy of I-94. Available via the website <https://i94.cbp.dhs.gov/I94/request.html>.
 - Copy of USCIS Notice of Action for any previously approved extensions or change of status granted.
 - Students who have been out of status for more than 5 months will also have to pay a new SEVIS I-901 fee and include proof of payment with their application. Students who have been out of status for less than 5 months do not have to pay a new SEIVS I-901 fee.

- Copies of marriage certificate, birth certificate(s) and all immigration documents (passport, visa, I-94 card, USCIS Notice(s) of Action, etc.) for any F-2 dependents.
- Make a copy of everything!

Once you have prepared all of the documents listed above, please schedule an individual appointment to meet with the DSO to review your application. Once the DSO has reviewed your application, you need to mail your completed application by Certified Mail, Return Receipt Requested, or by express mail with tracking to USCIS. For the current mailing address and instructions, refer to the I-539 application at www.uscis.gov/i-539. Please note that all applications must be received by mail – applications in person will not be accepted.

What Happens Next:

Expect to wait two to four months for a reply from USCIS. If your application is approved, USCIS will send you your I-20 and Form I-797A (reinstatement approval notice). You may also receive either your original I-94 card back if you mailed in your original or you may receive a new I-94 card located at the bottom of Form I-797A. Please call the Center for International Education and Programs at 847-214-7809 to arrange a meeting with a DSO after you receive the above mentioned documents. Please bring these documents with you, along with a copy, to your appointment with the DSO.

If your request for reinstatement is denied, you must depart the U.S. immediately; a denial of application for reinstatement cannot be appealed, although a motion to reopen or reconsider may be filed by you or your attorney if warranted (8CFR214.2f16ii).

Please note that, if you are working with an educational agent/lawyer to file your reinstatement request, you should send copies of all documents filed with USCIS to Elgin Community College.

I certify I have read this form and the instructions and certify that all information is correct to the best of my knowledge.

Student Signature

Date

This information is subject to change without notice. For individual questions, please contact the Center for International Education and Programs for an appointment.

For office use only:

RI recommended: Yes No

Date entered into SEVIS: _____

Date I-20 given to student: _____

DSO Signature: _____